

*Duncan Kennedy
20 August 2003*

Laca – Opening Address

Members of the committee – I thank you for inviting me to appear before you today.

My concerns that I have put before you reflect on the “barrier” and the “locksmithing” sectors of the security industry. And, I am told that, they in turn, reflect many of the problems in the “electronic” sectors of the security industry.

MY EXPERTISE APPLIES ONLY TO THE NSW SITUATION ALTHOUGH I HAVE NO DOUBT THOSE PROBLEMS WILL BE MIRRORRED IN OTHER STATES.

I have put to you that barrier security and locksmithing are amongst the most important sectors in the security industry, yet a very large component of them are installed at a level way below the reasonable expectation of the community. I can show that a considerable amount of our most serious of crimes could have been prevented if only security firms had not

abrogated their responsibilities under relevant legislation, and that in turn would not have happened, had the relevant authorities not abrogated their own responsibilities to enforce appropriate legislation.

You are investigating “Crime in the Community”.

There is of course no foreseeable way that crime can be eliminated. The policeman or policewoman actually attending the crime scene in NSW [and I say that as opposed to the police hierarchy back at the office] will tell you that the government just cannot provide enough police or resources to prevent crime. And so the community in general, really has no option but to spend some of their own private money on their own personal security requirements [much in the same way as the Government itself has to do].

Some of those extra security requirements are forced upon us.

- Employers for example, by laws such as **Occupational Health & Safety AND**
- others by contract such as insurance against theft.

Personal fears such as the perceived threat of Home Invasion or even the kidnapping, or the potential for sexual assault against our children, also make us think about added security measures.

Now, I can demonstrate that bank security managers, *for example*, have time and time again been seriously misled about the security devices they have had installed.

I can show that all sorts of prominent members of our community – members of parliament and

judges and magistrates, for example, have been totally unaware of just how easily the so-called security at their offices and homes can be so easily circumvented.

Take the letter I received from Richard Jones [Member of the Legislative Council here in NSW] dated 20th November 2001. He was having installed security window grilles / security doors ON HIS HOME and yet he had absolutely no knowledge of any Security Industry legislation – legislation which had been in force for more than 14 years.

And so just how do we ensure that Mr and Mrs Average Honest Citizen get not only value for money, but in effect not get false security for the protection of their employees and families? Because they themselves are not Criminals – they have no idea what a criminal is capable of.

That is why Occupational Health & Safety, Fair Trading and Security Industry legislation, and the enforcement of it by the authorities, is so important.

I can demonstrate that not only have the authorities not enforced those pieces of legislation to a standard that would meet the reasonable expectation of the community, I can show that they have gone out of their way to mislead the public on these issues.

Now without naming any names I will summarize the more serious allegations that I have made.

- Criminal negligence**
- Fraud**
- Perversion of the Course of Justice**
- Conspiracy**

And, as a friend threw in the other day, it probably then follows,

- **Being an “accessory after the fact”.**

Again without being too specific, I have made those allegations against,

- **A NSW State Government Minister** [John Watkins]
 - **Two NSW State Government Director-Generals**
[David O'Connor and Les Trees]
 - **Three NSW State Government Departments**
- AND**
- **A host of unnamed NSW State Government Public Servants.**

[AND, I have to say, that in doing so I am not exonerating any of the security firms themselves who are flouting those laws, either deliberately or negligently.]

In broad terms I have made further allegations of serious “negligence” against quite a number of other NSW State Government Departments.

I stress to the Committee that my submissions to you at this stage are nothing more than allegations. But I have absolutely no doubt that an appropriate and independent investigation [and I dare say, that would likely take many months] will lead to charges being laid. It is my earnest belief that the victims and potential victims deserve that much.

I assure the Committee that I understand the seriousness of the allegations that I am making and that there is nothing frivolous about them. Indeed they have not been made without some considerable personal agonization. I also confirm that no political motivation is involved.

I have no doubt that I will be accused of “a cowardly attack under the privilege of Parliament”. In fact nothing could be further from the truth. My appearance here today, pretty much, is a measure of last resort. I have been pushed from pillar to post, from Department to Department and from Authority to Authority, some of whom seem to have actually conceded that my allegations may have substance. Unfortunately, it would also seem they just don’t want them investigated and are prepared to do what ever is necessary to avoid that being done.

May I refer to a letter I received from the Director-General of the Premier’s office dated 19th June 2001. And I quote “The Premier has received your allegations of Criminal Negligence against the Minister and the Department of Fair

Trading. Mr Carr appreciates the reason which prompted you to write to him on this occasion". Now I confirm that this letter from the Premier's Director-General specifically recognizes my allegations of "Criminal Negligence". Yet two years down the track and not one investigator has asked to see one shred of my evidence.

You have a copy of my letter to Michael Costa dated 31st October 2002 and his stupid response via Bryce Gaudry referring to my complaints "about handguns". At the time I rang Michael Costa's office to query the response and they confirmed that my letter had been logged onto his computers as "allegations of criminal negligence".

On the 17th December last year Police Commissioner Moroney appeared on Television to explain to the community that to sit back and not

carry out anti-terrorist training would be negligent. It is incomprehensible therefore that he dismiss, without investigation, my allegations that had various State Government Departments fulfilled their obligations to the public by enforcing relevant legislation under their control,

- then we can say, with certainty, that there are women who would not have been raped,**
- we can say, with certainty, that there are people who would not have been murdered,**
- we can say, with certainty, that there are banks that would not have been robbed – tellers who would not have had a gun poked in their face or a knife put at their throat, AND**
- we can say, with certainty, that thousands, if not tens of thousands, of householders and businesses would not have been robbed.**

In the Newcastle Supreme Court on Monday March 3rd this year the Crown Prosecutor told the jury that a naturopath “displayed wicked negligence” and that “his actions were wreckless and careless and substantially contributed to the baby’s death”. Now, I have made almost identical allegations, only a hundred-fold, probably even a thousand-fold, worse and the authorities don’t want to know about it.

At an inquest on Thursday 12th June this year, the police were happy to push for a manslaughter charge against a father for “gross and wicked negligence by leaving the child unattended and his actions caused the death of his child”. I read this and say “hang on a moment – who are they kidding – is it one law for us and a lesser law for Government ministers and public servants?”

You might say that a Government Minister and public servants are honest, honourable ^{people} ~~men~~ doing their best in difficult circumstances. I would say that they make and administer the laws that they enforce against us and that those laws should apply equally to themselves.

I give you these names to think about:-

- Alan Bond at the time he was winning the America's Cup
- Christopher Skase when he was head of Quintex.
- The ex Governor General Peter Hollingsworth when he was head of the Brotherhood of St Lawrence
- Di Fingleton – the former Chief Magistrate in Queensland
- Ray Williams
- Rodney Adler

- **Brad Cooper**
- **Jodee Rich**
- **Brad Keeling**
- **Jim Selim from Pan Pharmaceuticals**
- **John Elliott**
- **Rene Rivkin**
- **And there are plenty of others**

Now the matters that I have raised are not trivial. They go to the very heart of the wellbeing of our families and our employees in today's, often violent environment. My argument is that Government must be held accountable for any negligence on their part, just as they would hold private enterprise accountable in the same circumstances.

Pending what I hope will be your decision to ~~order~~^{RECOMMEND}
an independent investigation into all of my
allegations I ask that you please arrange to ^{SOMEHOW} protect
the following "evidence" which is no longer under
my control.

[Provide separate schedule]

In addition to that, I have today brought along a
number of files, which I also ask be now placed
under your control. *[But if I may, I will keep them
at hand during my appearance before you here
today for reference purposes]*

Both of the above, I would refer to as my
"primary" evidence in support of my allegations.

I have in a safe place further evidence, [~~twice as~~^{TWICE AS}
^{TWO OR THREE}
much as this again] that I did not bring with me
today. I would refer to that as my "secondary" or
"back-up" evidence.

Then of course a lot of the evidence tying it all together is of necessity "in my head"

In conclusion I say this. If we can stop one murder, save one girl from being raped, prevent one child from being molested and save a few families the trauma of a break & enter, then I believe my campaign will have been worth it. *while*

NOW multiply that by the reality factor and, for the sake of the victims and the potential victims, an investigation into my allegations become paramount.

That is my opening statement. Thank you